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Attorney for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

BROOKS HOUGHTON;
JOHN/JANE DOES 1-20;
Plaintiffs,

v.

CHISTOPHER D. HALES;
BANK OF AMERICA NATIONAL
ASSOCIATION;
SINDAKIT SOFTWARE;
MC VENTURES, LLC;
BETTORDAYS, INC.
JOHN/JANE DOES 21-40;
Defendants.

**MOTION TO DISMISS PARTY
(Bank of America NA)**

Case No. 2:20-cv-00227-PMW

Judge Paul M. Warner

COMES NOW Plaintiff, by and through counsel, and pursuant to FRCP 21, moves the Court to drop Bank of America National Association as a party Defendant in this matter as follows:

1. The Court should order that Bank of America National Association be dropped as a party Defendant in this matter without prejudice.

AS GROUNDS for the motion, Defendant submits the following:

2. Plaintiff's counsel originally named Bank of America National Association as a party Defendant because he had received information that he deemed to be credible at the time that there was an account at a Utah located Bank of America branch in the name of Sindakit Software that contained approximately \$2.7 million dollars that were proceeds of the unlawful activities of Defendant Christopher Hales as set-forth in the Complaint.
3. Plaintiff's counsel has since communicated with attorney Heather Britton Chaney of McGuireWoods LLP, 1750 Tysons Boulevard, Suite 1800, Tysons, VA 22102-4215, who is counsel for Bank of America NA, and who has stated to Plaintiff's counsel that she has caused Bank of America to search for such an account but that no such account can be located or identified by Bank of America.
4. Plaintiff's counsel had initially named Bank of America NA as a defendant only because their rights and duties might potentially be affected.
5. Under the circumstances, Plaintiff's counsel believes that it is not important that Bank of America NA be a party to this action if they do not wish to be. Attorney Heather Britton for Bank of America has stated that her client does not wish to be a party.
6. Plaintiff requests that the dismissal be without prejudice.
7. Wherefore, Plaintiff prays for relief as set forth above herein.

DATED this 2nd day of July, 2020.

/S/ Stephen D. Spencer

Stephen D. Spencer
Attorney for Plaintiff